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DEMETRIC DI-AZ and OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**PLAINTIFFS' REVISED DESIGNATION
OF DEPOSITION TESTIMONY OF
DEMETRIC DI-AZ**

Pretrial Conference Date: 09-21-21
Time: 3:00 p.m.

Trial Date: September 24, 2021
Complaint filed: October 16, 2017

Plaintiff Owen Diaz represents to the Court that his son Demetric Di-Az, with whom he stays in regular contact, is currently assigned to the California Department of Corrections facility in Soledad, California. Soledad, California Correctional which is according to Google Maps, between 128 and 133 miles from the Courthouse. Accordingly, pursuant to Fed. R. Civ. P.

32(a)(4)(B), Plaintiff hereby notifies the Court that he intends to rely on the designations already made by Defendant of the deposition of Demetric Di-Az. Plaintiff intends to use the following deposition transcript excerpts for Demetric Di-Az (a witness on his witness list) for presentation via video as part of his case in chief:

Di-Az, Demetric 5/15/18, Volume 1

#	Lines	Deposition Excerpt	Objection / Counterdesignation
1	10:4-22 (38 secs)	<p>4 Q. Could you please state your full name for the</p> <p>5 record.</p> <p>6 A. Demetric Jean Di-az.</p> <p>7 Q. Did you say Jean?</p> <p>8 A. Yes. That's my middle name.</p> <p>9 Q. Okay. And how do you spell your last name?</p> <p>10 A. D-I hyphen A-Z.</p> <p>11 Q. And is your father's name Owen Diaz?</p> <p>12 A. Yes.</p> <p>13 Q. And he spells his name with a D-I-A-Z without a</p> <p>14 hyphen; right?</p> <p>15 A. Yes.</p> <p>16 Q. And why do you spell your name with a hyphen?</p> <p>17 A. As a kid it was given to me like that through</p> <p>18 birth. I really don't know why it was like that.</p> <p>19 Q. You don't have an understanding of why your last</p> <p>20 name is spelled with a hyphen?</p> <p>21 A. I was told that was the original spelling. That</p> <p>22 was it.</p>	
2	31:20-22 (3 sec)	<p>20 Q. How would you describe your relationship with</p> <p>21 your father?</p> <p>22 A. My relationship with my father was good.</p>	
3	40:14-16 (8 sec)	<p>14 Q. So you received a high school diploma from</p> <p>15 Pittsburg's adult school in June of 2014?</p> <p>16 A. Yes.</p>	
4	109:2-3	<p>2 Q. How many days a week did you work?</p> <p>3 A. Five.</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
	(2 sec)		
5	107:9-19 (43 sec)	<p>12 Q. And who told you you would be reporting into</p> <p>13 Javier Caballero?</p> <p>14 A. He told me after because I started asking</p> <p>15 around, like, "Hey, who do I" -- and he was, like, "Oh,</p> <p>16 well, you have to report to me now. You don't report to</p> <p>17 the day shift anymore." And I was, like, "Okay."</p> <p>18 Q. So Javier Caballero told you that you would be</p> <p>19 reporting to him?</p> <p>20 A. Yes.</p>	
6	119:18-21 (08 Sec)	<p>18 Q. Why didn't you get along with Javier prior to</p> <p>19 this incident?</p> <p>20 A. Javier was harassing me and calling me a nigger</p> <p>21 every day; so, no, I didn't get along with him.</p>	
7	150:15-151:20 (2 min, 45 sec)	<p>15 Q. In paragraph 14 you state "In approximately</p> <p>16 August of 2015, Demetric's father, Owen, informed him</p> <p>17 West Valley had openings for positions at the Tesla</p> <p>18 factory."</p> <p>19 Did your father tell you that West Valley had</p> <p>20 openings?</p> <p>21 A. Yes.</p> <p>22 Q. Did your father encourage you to apply?</p> <p>23 A. Yes.</p> <p>24 Q. What did your father tell you about what it was</p> <p>25 like to work at Tesla?</p> <p>26</p> <p>27 151</p> <p>28 1 A. He told me it was going to be a good experience</p> <p>2 and that it would be -- like, it would be good. I</p> <p>3 bought into it because I thought it was</p>	

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		<p>going to be the 4 ultimate experience. Like, oh, I get to work for Tesla. 5 They're making modern productions to build electrical 6 cars to make the world a better place. Like, why 7 wouldn't I want to be a part of that? 8 Q. Your father told you it was going to be a good 9 experience to work at Tesla? 10 A. Yeah. He told me it would be a good experience 11 and it was going to be good for me. 12 Q. And that was right before you applied in August 13 of 2015? 14 A. Yes. 15 Q. Did your father tell you around the time you 16 applied in August 2015 anything about what his work 17 experience was like at Tesla? 18 A. When I was applying there, he said that his work 19 experience was going okay. From what I could tell, it 20 was going good.</p>	
8	159:24- 160:14 (54 sec)	24 Q. And who stated this phrase? 25 A. Javier. I think his last name is Caballero. 160 1 You said his name. 2 Q. Javier Caballero said this, quote, "All you 3 fucking niggers -- I can't stand you motherfuckers"? 4 A. Yes. 5 Q. And in paragraph 19 you say that it was your 6 shift lead? 7 A. It's my shift supervisor. 8 Q. So it wasn't your shift lead? 9 A. No. That's probably a mistake. 10 Q. Where was this statement said? 11 A. Right on the production floor.	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
		<p>12 Q. Where on the production floor?</p> <p>13 A. Within zone 1 and getting ready to walk out of</p> <p>14 our section.</p>	
9	165:24-166:3 Cut for relevance (13 Sec)	<p>24 Q. Do you know whether your father heard it?</p> <p>25 A. My father told me that he did hear it, and</p> <p>166</p> <p>1 that's the first time I seen my father, like, really</p> <p>2 feel like he couldn't do anything for me. Like, he</p> <p>3 didn't know what to do.</p>	
10	185:24-186:3 Cut for length (16 sec)	<p>24 Q. So you mentioned that the first time that you</p> <p>25 heard Javier say the N-word was two or three days after</p> <p>186</p> <p>1 working the night shift. He said, "All you N-words need</p> <p>2 to hurry the F up"?</p> <p>3 A. Yes.</p>	
11	193:8-24 (1 min, 07 sec)	<p>8 Q. Do you know why it is that you're -- that you</p> <p>9 were terminated?</p> <p>10 A. No.</p> <p>11 Q. Do you know why you were issued a written</p> <p>12 warning?</p> <p>13 A. No.</p> <p>14 Q. If you were to estimate how many times Javier</p> <p>15 Caballero used the N-word at Tesla, how many?</p> <p>16 A. I would say more than 50.</p> <p>17 (Reporter clarification.)</p> <p>18 THE WITNESS: More than 50 but less than 60. So</p> <p>19 in between there. I didn't work with him -- I just got</p> <p>20 let go.</p> <p>21 Q. Are you alleging that every single day you</p> <p>22 worked at Tesla Javier used the N-word?</p> <p>23 A. Pretty much every day after the third</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
		day that I 24 got there he used the N-word.	

DATED: September 23, 2021

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